

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

NORMA CORY,

Plaintiff,

v.

Case No: 2:21-cv-407-SPC-NPM

WAL-MART STORES EAST,
LP,

Defendant.

_____ /

ORDER¹

Before the Court are Plaintiff's Motion for Leave to Amend and Motion for Remand ([Doc. 20](#)) and the parties' Agreed Joint Motion to Remand ([Doc. 24](#)). After receiving some discovery, Plaintiff moved to amend and assert a claim against Defendant's employee too. That employee would destroy diversity—necessitating remand. Now, Defendant clarifies the relevant employee was different than who Plaintiff identified. Nonetheless, Defendant agrees with amendment and remand.

Given the parties' agreement and judicial economy, the Court will grant Plaintiff's Motion to Amend in part and grant the Joint Motion to Remand.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

The Court accepts the proposed amended complaint (Doc. 24-1) as the operative pleading. Because the new Defendant destroys diversity, remand is proper. As a final note, the Court appreciates counsel's ability to work together and resolve this matter without Court intervention.

Accordingly, it is now **ORDERED**:

1. Plaintiff's Motion for Leave to Amend Complaint and Motion for Remand (Doc. 20) is **GRANTED in part**.

The Clerk is **DIRECTED** to file the Amended Complaint (Doc. 24-1) on the docket as a separate entry.

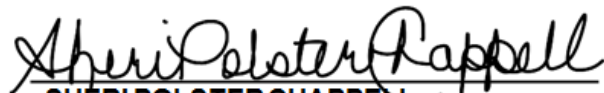
2. The parties' Agreed Joint Motion to Remand to State Court (Doc. 24) is **GRANTED**.

- a. The action is **REMANDED** to the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.

- b. The Clerk is **DIRECTED** to transmit a certified copy of this Order to the Clerk of that Court.

- c. The Clerk is **DIRECTED** to deny any pending motions, terminate all deadlines, and close this case.

DONE and ORDERED in Fort Myers, Florida on September 10, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record